

WASHINGTON STATE DEPARTMENT OF HEALTH OCCUPATIONAL THERAPY PRACTICE BOARD PUBLIC MEETING / RULES WORKSHOP MINUTES

April 1, 2005

Southwest Washington Medical Center, 100 E 33rd St, Vancouver, WA 98663
Fir Willow room

On April 1, 2005, the Occupational Therapy Practice Board met at the Southwest Washington Medical Center, 100 E 33rd ST, Fir Willow Room, Vancouver, WA 98663. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

MARK LEHNER, OT, CHAIR
D. JILL PETRIE, COTA, VICE CHAIR
JOHN BORAH, PUBLIC MEMBER
WENDY HOLMES, OT

STAFF PRESENT

KRIS WAIDELY, PROGRAM MANAGER
JENNIFER BRESSI, PROGRAM MANAGER
JOY KING, EXECUTIVE DIRECTOR
GAIL YU, AAG ADVISOR
PETER HARRIS, STAFF ATTORNEY

MEMBERS ABSENT

CATHERINE WHITING, OT

Friday, April 1, 2005 – 9:12 A.M. – OPEN SESSION

1. CALL TO ORDER

- 1.1 Approval of Agenda - The agenda was approved with three additions, one for Peter Harris to present a case presentation. He will present after his scheduled disciplinary process presentation. The second addition for Jill Petrie to talk about elements needed for a re-entry checklist. This item will be presented after Gail Yu's presentation. The third addition is to go into closed session after the rules workshop.
- 1.2 Approval of Meeting Minutes from January 28, 2005. The minutes were approved as presented.
- 1.3 Approval of Meeting Minutes from March 29, 2005. The minutes were approved as presented.

2. PROGRAM REPORT – Information provided to the Board by the Program Manager:

- 2.1 Organizational Changes – Joy King informed the Board about further realignment changes within Health Professions Section 3 (HPS3). Current program manager, Jennifer Bressi will be moving to a newly established unit

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within HPS3 as the program manager for credentialing of all professions currently in HPS3. Kris Waidely will continue to support the Occupational Therapy Practice Board as well as the Board of Physical Therapy and the Recreation Therapy program and will be adding support to the Board of Massage.

2.2 Budget Update – Joy King provided the Board an update on current budget issues. Ms. King explained the difference between revenue received and allotment authorized by legislature. The programs have been asked to consider whether we should have meetings or if meetings should be changed or cancelled. Programs are not filling vacancies, programs have let temporary employees go. Programs are making small changes to increase efficiency by making two-sided copies, using e-mail to send documents rather than mailing. Investigations & legal units are also dealing with the budget issues and having to deal with more workload because of temporaries being let go. December 2004 and January 2005 Interim Operating Reports were provided to the Board.

2.3 Legislative Update – There is no new legislation to report at this time.

2.4 Planning for Upcoming Meetings –

- The Board approved to change the June 24, 2005 meeting to a conference call to be held on July 6, 2005.
- HPQA management is inviting Chair's and Vice-Chair's to come to Tumwater on June 6, 2005. Governor Gregoire will be speaking at the meeting. The June 6, 2005 meeting is currently tentative on budget restrictions.
- Tri-alliance from Catherine/Wendy regarding WOTA,
- Rules hearing in October because of the participation of WOTA conference attendees. This will be determined as rules are updated.

2.5 Provided for the Board's Information

- Condensed Roberts Rules of Order
- January 2005 Washington Health Professional Services statistics
- Department of Health Media Advisory & email from Mary Selecky, Secretary
- Governor Gregoire updated Board Member application
- AOTA

3. DISCIPLINARY PROCESS AND CASE DISPOSITION GUIDELINE

PRESENTATION – Peter Harris, Staff Attorney provided a detailed presentation to the Board on the Department of Health, Health Professions Quality Assurance, Disciplinary Process and Disposition Guidelines. He provided the Board with a handout that provides guidelines outlining the disciplinary process and descriptions of types of disciplinary orders.

4. CASE PRESENTATION - Peter Harris, Staff Attorney, presented a Findings of Fact, Conclusions of Law and Final Order for consideration. The Board panel went into executive session. The fine amount was approved, however the Board

would like to amend the payment date to have the first payment due once she completes the re-entry program, within 30 days of the completion and approval of her re-entry program and a 12 month probation period to make three final payments of \$1,250. Everything including the 12 month probation will begin at the completion and approval of her re-entry plan.

5. **BOARD DELEGATION** – The Board reviewed and approved the delegation authority as presented.
6. **CORRESPONDENCE** – No new correspondence was received. The Board was provided a copy of the corrected letter that was resent to DSHS and Mr. John Hatcher.
7. **THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION, INC (AOTA)** – The Board was provided a copy of the actual survey comments sent to AOTA.
8. **RULE MAKING, ETHICS, THE OPEN PUBLIC MEETINGS ACT AND THE PUBLIC DISCLOSURE ACT PRESENTATION** – Gail Yu, AAG provided a presentation to the Board on rule making, ethics, open public meetings act and public disclosure. Ms. Yu indicated that the purpose of a rule is to implement the RCW. A flow chart of the rules process was provided. The average time to process a rule is 18 months to 24 months for non-controversial rules. Prior to writing rules the Board needs to look at the statute (RCW) to determine whether the Board or Secretary has the authority to establish rules. Governor's Executive Order requires rules to be written using plain talk (clear and concise). Rules can subject a person to a fine and sanctions or require them to do certain things. Public notice and comment period is a very important part of the rules process. The public should be given the opportunity to comment on all rules so any controversial issues are dealt with prior to the rules hearing.

The Board adjourned for lunch at 12:15 p.m. and will resume open session at 1:30 p.m.

The Board resumed open session and item number 8 at 1:45 p.m.

Gail Yu continued her presentation on open public meetings and the importance of fair notice to interested parties. Gail indicated that from the www.atg.wa.gov there is information regarding the open public meetings act and it provides examples. RCW 42.30 was provided to the Board.

Gail Yu provided the Board with a copy of the Department of Health, Health Professions Quality Assurance Ethics Policy K01.02. Gail briefly provided a few examples of the type of things that may be acceptable and not violate the ethics policy.

Gail Yu provided the Board with an article from the Seattle Times regarding open records. The public disclosure act was designed to error on the side of disclosing rather than withholding records. Gail briefly informed the Board about what types of records would be disclosed and what type of records would be withheld.

9. **MENTORSHIP/RE ENTRY PROGRAM** – Jill Petrie indicated that she would like to see the Board have a detailed checklist to use when reviewing re-entry plans. This will provide consistence and fairness in all plans submitted. Jennifer and Kris will work on a draft checklist for approval.

Rules Workshop - Drafting Session - OPEN SESSION

10. **STATUS UPDATE OF RULES PROCESS** – Kris Waidely will provide the status of:

Significant analysis and small business economic statements have been completed. Pre – CR102 meetings will be scheduled and the department review will be started.

- 10.1 WAC 246-847-065 – Continuing Competency, one comment was received from the last notice sent to interested parties. The Board discussed the comment and approved the language as currently proposed.
- 10.2 WAC 246-847-080 – Examinations, no comments were received.
- 10.3 WAC 246-847-115 – Limited Permits, no comments were received.
- 10.4 WAC 246-847-170 - Code of Ethics, one comment was received from the last notice sent to interested parties. The Board discussed the comment and approved the language as currently proposed.
- 10.5 WAC 246-847-190 - Aids Education & Training, no comments were received.
- 10.6 WAC 246-847-120 – Foreign Trained Applicants, no public comments were received. Gail Yu, AAG advisor, was concerned that the language may seem to be in conflict with RCW 18.59.050, which lists requirements for licensure. Gail Yu will further review the language of the WAC and the statute and provide suggested language to clarify that foreign trained applicants must still comply with RCW 18.59.050(1)(a).
- 10.7 WAC 246-847-210 – Sexual Misconduct, no comments were received.

11. **RULE WRITING**

- 11.1 WAC 246-847-010 – Definitions
Language from paragraph 1.(d) was deleted from definition because the RCW 18.59-020 (2) and RCW 18.59.040 (9) already states this definition and RCW supersedes WAC. Currently language is confusing and misleading.

CLOSED SESSION 3:35 P.M.

12. APPLICANT REVIEW

Applicant A = approved pending social security number receipt.

13. ADJOURNMENT – The Board adjourned at 4:00 p.m. with no further business.

Respectfully submitted:

Approved:

Kris Waidely
Program Manager

Mark Lehner, OT, Chair
Occupational Therapy Practice Board